



# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application Number	10/797,251
		Filing Date	March 10, 2004
		First Named Inventor	Carl R. VanderSchuit
		Art Unit	2875
		Examiner Name	Meghan K. Dunwiddie
Total Number of Pages in This Submission		Attorney Docket Number	9053-000070US

**ENCLOSURES (check all that apply)**

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawings (6 sheets)	<input type="checkbox"/> After Allowance Communication to Technology Center (TC)
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) <i>(please identify below):</i>
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	<b>Issue Fee Transmittal, Check Comments on Statement of Reasons for Allowance Return Postcard</b>
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Certified Copy of Priority Document(s)		
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		
Remarks		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name	Harness, Dickey & Pierce, P.L.C.	Attorney Name Anthony G. Fussner	Reg. No. 47,582
Signature			
Date	February 14, 2006		

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Anthony G. Fussner	Express Mail Label No.	EV 639015594 US
Signature		Date	February 14, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

EV 639015594 US



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/797,251  
Filing Date: March 10, 2004  
Applicant: Carl R. VanderSchuit  
Group Art Unit: 2875  
Examiner: Dunwiddie, Meghan K  
Title: LIGHTED BALLOONS  
Attorney Docket: 9053-0000070 US

---

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE**

Reasons for allowance are only warranted in instances in which "the record of the prosecution as a whole does not make clear [the Examiner's] reasons for allowing a claim or claims." 37 C.F.R. § 1.104(e). In the present case, Applicant believes the record as a whole does make clear the reasons for allowance and therefore no statement by the Examiner is necessary or warranted. Furthermore, Applicant does not necessarily agree with each statement in the reasons for allowance. While Applicant believes the claims are allowable, Applicant does not acquiesce that patentability resides solely in the specific feature or combination of features identified, or that each feature or combination of features identified is required for patentability, or that equivalents of any specifically recited feature is outside the scope of the allowed claims.

**Claim 8**

The Office Action concludes that Claim 8 is allowable because the art when taken separately or combined fails to teach and/or show a balloon apparatus as set forth in Claim 8 having a projection member within the balloon apparatus and set up to emit and direct light from the light source. Presently allowed Claim 8, however, recites "a projection member configured to direct light from the light source." Therefore, Applicant respectfully submits that Claim 8 is

EV 639015594.US

allowable because the art as a whole, alone or in combination, does not anticipate or render obvious:

A balloon apparatus comprising a balloon having an inflation opening that can be closed for keeping the balloon inflated, a light source inside the balloon, wiring connecting a power source to the light source, a tube through which the wiring extends, the tube substantially entirely enclosed in the balloon, and a projection member configured to direct light from the light source.

**Claim 12**

The Office Action concludes that Claim 12 is allowable because the art when taken separately or combined fails to teach and/or show a balloon apparatus as set forth in Claim 12 having a diffusion member within the balloon apparatus and set up to diffuse light from the light source. Presently allowed Claim 12, however, recites “a diffusion member configured to diffuse light from the light source.” Therefore, Applicant respectfully submits that Claim 12 is allowable because the art as a whole, alone or in combination, does not anticipate or render obvious:

A balloon apparatus comprising a balloon having an inflation opening that can be closed for keeping the balloon inflated, a light source inside the balloon, wiring connecting a power source to the light source, a tube through which the wiring extends, the tube substantially entirely enclosed in the balloon, and a diffusion member configured to diffuse light from the light source.

**Claim 14**

The Office Action concludes that Claim 14 is allowable because the art when taken separately or combined fails to teach and/or show a balloon apparatus as set forth in Claim 14 having a tube within the balloon apparatus supporting the display member attached to the light source. Presently allowed Claim 14, however, recites “the tube substantially entirely enclosed in the balloon, wherein the tube is configured to support a display member adjacent the light source.” Therefore, Applicant respectfully submits that Claim 14 is allowable because the art as a whole, alone or in combination, does not anticipate or render obvious:

A balloon apparatus comprising a balloon having an inflation opening that can be closed for keeping the balloon inflated, a light source inside the balloon, wiring connecting a power source to the light source, and a tube through which the wiring extends, the tube substantially entirely enclosed in the balloon, wherein the tube is configured to support a display member adjacent the light source.

**Claim 20**

The Office Action concludes that Claim 20 is allowable because the art when taken separately or combined fails to teach and/or show a balloon apparatus as set forth in Claim 20 having at least one member within the balloon apparatus set up to project and/or diffuse the light emitted from the light source. Presently allowed Claim 20, however, recites “one or more

members configured for show within the balloon, wherein the tube supports at least one of the one or more members, wherein the one or more members configured for show comprise at least one of a projection member, a diffusion member, a flag, an optical fiber, and a display member.” Therefore, Applicant respectfully submits that Claim 20 is allowable because the art as a whole, alone or in combination, does not anticipate or render obvious:

A balloon apparatus comprising a balloon having an inflation opening that can be closed for keeping the balloon inflated, a light source inside the balloon, wiring connecting a power source to the light source, a tube through which the wiring extends, and one or more members configured for show within the balloon, wherein the tube supports at least one of the one or more members, wherein the one or more members configured for show comprise at least one of a projection member, a diffusion member, a flag, an optical fiber, and a display member.

#### **Claim 21**

The Office Action concludes that Claim 21 is allowable because the art when taken separately or combined fails to teach and/or show a balloon apparatus as set forth in Claim 21 having the light source being electroluminescent wire and the electroluminescent wire illuminating the members within the balloon apparatus. Presently allowed Claim 21, however, recites “at least one of the light source, the wiring, and the one or more members configured for show comprise electroluminescent wire.” Therefore, Applicant respectfully submits that Claim 21 is allowable because the art as a whole, alone or in combination, does not anticipate or render obvious:

A balloon apparatus comprising a balloon having an inflation opening that can be closed for keeping the balloon inflated, a light source inside the balloon, wiring connecting a power source to the light source, a tube through which the wiring extends, and one or more members configured for show within the balloon, wherein the tube supports at least one of the one or more members, wherein at least one of the light source, the wiring, and the one or more members configured for show comprise electroluminescent wire.

#### **Claim 26**

The Office Action concludes that Claim 26 is allowable because the art when taken separately or combined fails to teach and/or show a balloon apparatus as set forth in Claim 26 having the light source within the balloon apparatus be a light emitting diode, an optical fiber, and/or electroluminescent wire. In addition to these reasons, Applicant submits that Claim 26 is further allowable because the art as a whole, alone or in combination, does not anticipate or render obvious:

A balloon apparatus comprising a balloon having an inflation neck, a closure member configured to close the neck to keep the balloon inflated, a light source inside the balloon, wiring connecting a power source outside the balloon to the light source, and a device extending through the closed neck and supporting at least a portion of the wiring, the device being moveable by a user to thereby

move the light source in the balloon, wherein the light source comprises at least one of a light-emitting diode, an optical fiber, and electroluminescent wire.

**Claim 29**

The Office Action concludes that Claim 29 is allowable because the art when taken separately or combined fails to teach and/or show a balloon apparatus as set forth in Claim 29 having at least one member within the balloon apparatus set up to project and/or diffuse the light emitted from the light source. Presently allowed Claim 29, however, recites “configured for show inside the balloon, at least one of a projection member, a diffusion member, a flag, an optical fiber, and a display member.” Therefore, Applicant respectfully submits that Claim 29 is allowable because the art as a whole, alone or in combination, does not anticipate or render obvious:

A balloon apparatus comprising a balloon having an inflation neck, a closure member configured to close the neck to keep the balloon inflated, a light source inside the balloon, wiring connecting a power source outside the balloon to the light source, a device extending through the closed neck and supporting at least a portion of the wiring, the device being moveable by a user to thereby move the light source in the balloon, and configured for show inside the balloon, at least one of a projection member, a diffusion member, a flag, an optical fiber, and a display member.

**Claim 32**

The Office Action concludes that Claim 32 is allowable because the art when taken separately or combined fails to teach and/or show a balloon apparatus as set forth in Claim 32 having at least one member within the balloon apparatus set up to project and/or diffuse the light emitted from the light source. Presently allowed Claim 32, however, recites “at least one of a projection member, a diffusion member, a flag, an optical fiber, and a display member inserted or insertable in the balloon.” Therefore, Applicant respectfully submits that Claim 32 is allowable because the art as a whole, alone or in combination, does not anticipate or render obvious:

A kit for making a balloon apparatus, the kit comprising a light source inserted or insertable within a balloon having an opening through which the balloon is inflatable, a power source connected or connectable to the light source via conductive wiring, a tube through which the wiring is extended or extendable, the tube configured to fit inside the balloon and support the light source when the balloon is inflated and the opening is sealed, and at least one of a projection member, a diffusion member, a flag, an optical fiber, and a display member inserted or insertable in the balloon.

**Claim 33**

The Office Action concludes that Claim 33 is allowable because the art when taken separately or combined fails to teach and/or show a balloon apparatus as set forth in Claim 33

having a kit for making the balloon apparatus which includes all the necessary pieces to create the balloon. Applicant respectfully submits that Claim 33 is allowable because the art as a whole, alone or in combination, does not anticipate or render obvious:

A kit for making a balloon apparatus, the kit comprising:

a light source inserted or insertable into a balloon, the balloon having a neck through which the balloon is inflatable, the neck being sealable to keep the balloon inflated;

a gas-tight tube through which wiring extends or is extendable, the tube having one end inserted or insertable into the balloon and configured to support the light source, the tube further configured to extend outside the balloon when the balloon is inflated and the neck is sealed;

a clip for sealing the neck; and

a sleeve that fits over the tube and is configured to support the clip to prevent deflation of the balloon when the clip is applied to the neck, the sleeve further configured to permit movement of the tube by a user to move the light source within the inflated balloon.

#### Claim 39

The Office Action concludes that Claim 39 is allowable because the art when taken separately or combined fails to teach and/or show a balloon apparatus as set forth in Claim 39 having the means for sealing the neck of the balloon apparatus include a gasket, a sleeve, and a clip. Applicant respectfully submits that Claim 39 is allowable because the art as a whole, alone or in combination, does not anticipate or render obvious:

A method of constructing a balloon apparatus, the method comprising extending wiring through a tube, electrically connecting the wiring between a light source and a power source, inserting the light source and at least one end of the tube into a balloon through a neck through which the balloon is inflatable, inflating the balloon, and sealing the neck, wherein sealing the neck further comprises fitting a gasket over the tube, a sleeve over the gasket, the neck over the sleeve, and a clip over the neck.

#### Claim 40

The Office Action concludes that Claim 40 is allowable because the art when taken separately or combined fails to teach and/or show a balloon apparatus as set forth in Claim 40 providing the tube within the balloon apparatus the ability to be moved around. Applicant respectfully submits that Claim 40 is allowable because the art as a whole, alone or in combination, does not anticipate or render obvious:

A method of constructing a balloon apparatus, the method comprising extending wiring through a tube, electrically connecting the wiring between a light source and a power source, inserting the light source and at least one end of the tube into a balloon through a neck through which the balloon is inflatable, and configuring the tube to be held at one end and moved to move the light source within the inflated balloon.

### Claim 41

The Office Action concludes that Claim 41 is allowable because the art when taken separately or combined fails to teach and/or show a balloon apparatus as set forth in Claim 41 having at least one member within the balloon apparatus set up to project and/or diffuse the light emitted from the light source. Presently allowed Claim 41, however, recites "inserting into the balloon at least one of a diffusion member, a flag, an optical fiber, and a display member." Therefore, Applicant respectfully submits that Claim 41 is allowable because the art as a whole, alone or in combination, does not anticipate or render obvious:

A method of constructing a balloon apparatus, the method comprising extending wiring through a tube, electrically connecting the wiring between a light source and a power source, inserting the light source and at least one end of the tube into a balloon through a neck through which the balloon is inflatable, and inserting into the balloon at least one of a diffusion member, a flag, an optical fiber, and a display member.

### Claim 42

The Office Action concludes that Claim 42 is allowable because the art when taken separately or combined fails to teach and/or show a balloon apparatus as set forth in Claim 42 having the means for inserting the tube into the balloon apparatus include a stabilizing collar and the neck of the balloon. Applicant respectfully submits that Claim 42 is allowable because the art as a whole, alone or in combination, does not anticipate or render obvious:

A method of constructing a balloon apparatus, the method comprising extending wiring through a tube, electrically connecting the wiring between a light source and a power source, inserting the light source and at least one end of the tube into a balloon through a neck through which the balloon is inflatable, wherein inserting at least one end of the tube into a balloon comprises:

inserting the tube through a stabilizing collar; and  
inserting the collar through the neck.

### Claim 45

The Office Action concludes that Claim 45 is allowable because the art when taken separately or combined fails to teach and/or show a balloon apparatus as set forth in Claim 45 having a casing formed within the balloon apparatus in which the electroluminescent wire is placed. Presently allowed Claim 45 recites "the balloon comprises a seam and a casing formed at the seam, the light source comprising electroluminescent wire inside the casing." Therefore, Applicant respectfully submits that Claim 45 is allowable because the art as a whole, alone or in combination, does not anticipate or render obvious:

A balloon apparatus comprising a balloon having an inflation opening, and an electroluminescent light source applied to an outside portion of the balloon,

wherein the balloon comprises a seam and a casing formed at the seam, the light source comprising electroluminescent wire inside the casing.

Dated: February 14, 2006

Respectfully submitted,  
By: \_\_\_\_\_  
Anthony G. Fussner  
Reg. No. 47,582

HARNESS, DICKEY & PIERCE, P.L.C.  
7700 Bonhomme, Suite 400  
St. Louis, Missouri 63105  
(314) 726-7500  
AGF/dmkd